

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAURICE A. GOODE JR.,

Plaintiff,

-v-

CITY OF NEW YORK, CORIZON HEALTH
SERVICES, and PSYCHIATRIST “JANE DOE” OF
CORIZON HEALTH SERVICES,

Defendants.

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17 Civ. 3735 (PAE)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

Pro se plaintiff Maurice A. Goode, Jr., brings this action under 42 U.S.C. § 1983 alleging that he was provided with an inadequate mattress and bedframe while detained by the New York City Department of Corrections (DOC) at Rikers Island, and that he suffered neck, back, and leg pain as a result. Before the Court is the July 9, 2018 Report and Recommendation of the Hon. Robert W. Lehrburger, United States Magistrate Judge, (“Report”) recommending that the Court dismiss Goode’s case. Dkt. 24. For the following reasons, the Court adopts this recommendation.

I. Background

The Court incorporates by reference the summary of the facts and procedural history provided in the Report. *See* Report 1–3. On May 17, 2017, Goode filed this case. *See* Dkt. 2. On September 21, 2017, Goode filed an Amended Complaint. Dkt. 9. On December 4, 2017, the Defendants moved to dismiss the Amended Complaint. Dkt. 16. Goode opposed the motion to dismiss on December 19, 2017. Dkt. 19.

On July 9, 2018, Judge Lehrburger filed his Report recommending that the Court dismiss all claims brought by Goode. Goode has, to date, filed no objections.

II. Discussion

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept those portions of the report to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950 (KPF), 2014 WL 4635575, at *2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009)); *see also, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

As neither party has submitted objections to the Report, review for clear error is appropriate. Careful review of Judge Lehrburger’s well-reasoned Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety.

CONCLUSION

For the foregoing reasons, the Court *sua sponte* extends Corizon’s deadline to respond to the Complaint to December 4, 2017, *nunc pro tunc*, and denies Goode’s motion for default. The Court also dismisses, without prejudice, all claims brought by Goode pursuant to Federal Rule of Civil Procedure 41(b).

The Court directs the Clerk to mail a copy of this decision to plaintiff at the address on file.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: August 7, 2018
New York, New York